

Notice of Allowability

Application No.

10/665,611

Examiner

Aung T. Win

Applicant(s)

CHEN ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/20/2007.
2. ☒ The allowed claim(s) is/are 1-5, 7-9, 11-14 and 16-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone call with John A. Ligon (Registration Number: 35,938) on 12/10/2007. The application has been amended as follows:

1.1 Claim 1 filed on 09/20/2007,

After "selecting a data rate for the data burst as a function of",

"the input parameter;" was deleted and

-- the one or more input parameters; -- was added.

1.2 Claim 1 filed on 09/20/2007,

After "determining a minimum required data rate as a sum of",

"the input data rate" was deleted and

-- an input data rate -- was added.

1.3 Claim 8 filed on 09/20/2007,

After "determining one or more input parameters;"

-- selecting a burst data rate equal to or greater than a minimum data rate determined as a sum of an input data rate and a rate needed to transmit data stored in an input buffer at the beginning of the data burst over a maximum available burst duration; -- was added.

After "if the input parameter exceeds the threshold, forming a new data burst for transmission of the input data"

"; wherein the evaluating step is applied for an amount of data available in an input data buffer at the beginning of the data burst, and the threshold is established as an amount of data in the input data buffer that will trigger a new data burst request for transmission of the input data" was deleted.

1.4 Claim 13 filed on 09/20/2007,

After "determining one or more input parameters;"

-- selecting a burst data rate equal to or greater than a minimum data rate determined as a sum of an input data rate and a rate needed to transmit data stored in an input buffer at the beginning of the data burst over a maximum available burst duration; -- was added.

After "evaluating the determined residual data against a threshold"

“; in the case of the determined measure of residual data exceeding the threshold, determining whether a data rate for a data burst under consideration is less than a maximum supported data rate; and if the data rate is less the maximum supported data rate, causing a new data burst to be initiated” was deleted.

1.5 Claim 7 filed on 09/20/2007,

After “The method of”

“claim 6” was deleted and

-- claim 1 -- was added.

1.6 **Add** the following new dependent claims 21 & 22 as stated below.

21. The method of claim 8 wherein the evaluating step is applied for an amount of data available in an input data buffer at the beginning of the data burst, and the threshold is established as an amount of data in the input data buffer that will trigger a new data burst request for transmission of the input data.

22. The method of claim 13 including the further steps of:
in the case of the determined measure of residual data exceeding the threshold, determining whether a data rate for a data burst under consideration is less than a maximum supported data rate; and

if the data rate is less the maximum supported data rate, causing a new data burst to be initiated.

Reason for Allowance

2. Claims 1-5, 7-9, 11-14 & 16-22 are allowed. The following is an examiner's statement of reasons for allowance: the application is allowable for the reasons set forth on page 7-9 of the Applicant's Remarks filed on 09/20/2007.

As noted therein, the claimed invention requires inter alia determining a minimum required data rate and selecting a burst data rate equal to or greater than a minimum data rate determined as a sum of an input data rate and a rate needed to transmit data stored in an input buffer at the beginning of the data burst over a maximum available burst duration in combination with other limitations as stated in the claims 1, 8 & 13 for requesting to transmit new data burst.

The closest prior art Manning et al. teaches requesting to transmit new data burst but fails to teach the claimed invention as stated above comprising determining a minimum required data rate and selecting a burst data rate equal to or greater than a minimum data rate determined as a sum of an input data rate and a rate needed to transmit data stored in an input buffer at the beginning of the data burst over a maximum available burst duration in combinations with other limitations as stated in the claims 1, 8 & 13.

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The combination of other cited prior art references do not teach or suggest claimed invention stated above as cited in Claims 1, 8 & 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aung T. Win
Group Art Unit 2617
December 10, 2007


DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600